

Congress of the United States
Washington, DC 20515

May 24, 2022

The Honorable Avril Haines
Director of National Intelligence
Office of the Director of National Intelligence
Washington, DC 20511

Dear Director Haines,

Thank you for your public service. As Members of the Congressional Asian Pacific American Caucus (CAPAC), we write today to request an update on the unclassified report due to the congressional intelligence committees that was mandated in Division E— Intelligence Authorizations for Fiscal Years 2018, 2019, and 2020 of the National Defense Authorization Act for Fiscal Year 2020 (FY20 IAA) pertaining to the protection of the civil liberties and civil rights of Chinese Americans.

As you know, Section 5712 of the FY20 IAA, which was subsequently amended and codified as 50 U.S.C. § 3240, states:

On an annual basis, the Director of National Intelligence, acting through the Office of Civil Liberties, Privacy, and Transparency, in coordination with the civil liberties and privacy officers of the elements of the intelligence community, shall submit a report to the congressional intelligence committees containing—

- (1) a review of how the policies, procedures, and practices of the intelligence community that govern the intelligence activities and operations targeting the People’s Republic of China affect policies, procedures, and practices relating to the privacy, civil liberties, and civil rights of Americans of Chinese descent who may be targets of espionage and influence operations by China; and
- (2) recommendations to ensure that the privacy, civil liberties, and civil rights of Americans of Chinese descent are sufficiently protected.¹

As of the date of this letter, your office has yet to comply with this provision and the annual reports for 2020 and 2021 are overdue to the congressional intelligence committees. We thus request a status update from your office on both reports, and this year’s report, including expected completion dates.

No American should have to worry that their privacy and civil liberties are threatened because of their race, ethnicity, or national origin. Policies and practices by law enforcement and intelligence agencies in the past few years have resulted in widespread concerns and fears of misuse and abuse of authorities that have harmed the Asian American community. The FY20 IAA reporting requirement was signed into law as an important step to reassure the Asian

¹ 50 U.S.C. § 3240 (2020).

American community and promote the government's protection of constitutional rights. I hope your office will prioritize these reports to ensure it lives up to both the letter and spirit of the law.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Ted W. Lieu".

Ted Lieu
Member of Congress

A handwritten signature in blue ink that reads "Ed Case".

Ed Case
Member of Congress

A handwritten signature in black ink that reads "Judy Chu".

Judy Chu
Member of Congress

A handwritten signature in black ink that reads "Adam B. Schiff".

Adam Schiff
Member of Congress